

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: All nominations placed on the Secretary's desk in the Coast Guard; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to any of the nominations; and the President be immediately notified of the Senate's actions.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE COAST GUARD

PN1219 COAST GUARD nominations (7) beginning PATRICK J. GRACE, and ending KARL B. HELLBERG, which nominations were received by the Senate and appeared in the Congressional Record of September 30, 2021;

PN1282 COAST GUARD nominations (4) beginning ROYCE W. JAMES, and ending PETER H. IMBRIALE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1283 COAST GUARD nominations (293) beginning BRITTANY S. AKERS, and ending TIFFANY M. ZEHNLE, which nominations were received by the Senate and appeared in the Congressional Record of October 19, 2021;

PN1294 COAST GUARD nominations (183) beginning MARK P. AGUILAR, and ending MATTHEW W. ZINN, which nominations were received by the Senate and appeared in the Congressional Record of October 21, 2021.

EXECUTIVE CALENDAR

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate consider the following nomination, Executive Calendar No. 563, Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Jennifer Clyburn Reed, of South Carolina, to be Federal Cochairperson of the Southeast Crescent Regional Commission. (New Position)

Mr. SCHUMER. I ask unanimous consent that the Senate vote on the nomination without intervening action or debate; and if confirmed, the motion to reconsider be considered made and laid upon the table all without intervening action or debate; that no further motions be in order to the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Reed nomination?

The nomination was confirmed.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

CIVILIAN RESERVIST EMERGENCY WORKFORCE ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 154, S. 2293.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2293) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide certain employment rights to reservists of the Federal Emergency Management Agency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Civilian Reservist Emergency Workforce Act of 2021" or the "CREW Act".

SEC. 2. PERSONNEL PERFORMING SERVICE RESPONDING TO PRESIDENTIALLY DECLARED MAJOR DISASTERS AND EMERGENCIES.

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149) is amended by adding at the end the following:

"(d) PERSONNEL PERFORMING SERVICE RESPONDING TO DISASTERS AND EMERGENCIES.—

"(1) USERRA EMPLOYMENT AND REEMPLOYMENT RIGHTS.—The protections, rights, benefits, and obligations provided under chapter 43 of title 38, United States Code, shall apply to intermittent personnel appointed pursuant to subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service.

"(2) NOTICE OF ABSENCE FROM POSITION OF EMPLOYMENT.—Preclusion of giving notice of service by necessity of service under subsection (b)(1) to perform service to the Federal Emergency Management Agency under sections 401 and 501 or to train for such service shall be considered preclusion by 'military necessity' for purposes of section 4312(b) of title 38, United States Code, pertaining to giving notice of absence from a position of employment. A determination of such necessity shall be made by the Administrator and shall not be subject to review in any judicial or administrative proceeding."

SEC. 3. EXTENSION OF CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS TO FEMA RESERVISTS.

(a) IN GENERAL.—Section 4303 of title 38, United States Code, is amended—

(1) in paragraph (13), by inserting before "and a period" the following: "a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1))";

(2) by redesignating the second paragraph (16) (relating to uniformed services) as paragraph (17); and

(3) in paragraph (17), as so redesignated, by inserting before "and any other category" the following: "intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) or to train for such service,".

(b) MODIFICATION OF EXCEPTION FOR REQUIREMENT FOR MEMBERS OF UNIFORMED SERVICES TO PROVIDE NOTICE TO EMPLOYERS TO OBTAIN CERTAIN EMPLOYMENT AND REEMPLOYMENT RIGHTS.—Section 4312(b) of title 38, United States Code, is amended—

(1) by striking the second sentence;

(2) by inserting "(1)" before "No notice"; and

(3) by adding at the end the following new paragraph:

"(2) A determination of military necessity for purposes of paragraph (1) shall be made—

"(A) except as provided in subparagraphs (B) and (C), pursuant to regulations prescribed by the Secretary of Defense;

"(B) for persons performing service to the Federal Emergency Management Agency under section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5165f) and as intermittent personnel under section 306(b)(1) of such Act (42 U.S.C. 5149(b)(1)), by the Administrator of the Federal Emergency Management Agency as described in sections 327(j)(2) and 306(d)(2) of such Act (42 U.S.C. 5165f(j)(2) and 5149(d)(2)), respectively; or

"(C) for intermittent disaster-response appointees of the National Disaster Medical System, by the Secretary of Health and Human Services as described in section 2812(d)(3)(B) of the Public Health Service Act (42 U.S.C. 300hh-11(d)(3)(B)).

"(3) A determination of military necessity under paragraph (1) shall not be subject to judicial review."

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered laid and made upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 2293), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

NO CONGRESSIONALLY OBLIGATED RECURRING REVENUE USED AS PENSIONS TO INCARCERATED OFFICIALS NOW ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 81, S. 693.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 693) to amend title 5, United States Code, to provide for the halt in pension payments for Members of Congress sentenced for certain offenses, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent that the bill be

considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 693) was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act” or the “No CORRUPTION Act”.

SEC. 2. FORFEITURE OF PENSION.

(a) IN GENERAL.—Section 8332(o) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively;

(2) by inserting after paragraph (3) the following:

“(4)(A) Subject to subparagraph (B), an individual convicted of an offense described in paragraph (2) shall not be eligible to receive any payment of an annuity pursuant to the retirement system under this subchapter or chapter 84, except that this sentence applies only to such payments based on service rendered as a Member (irrespective of when rendered).

“(B) If the conviction of an individual described in subparagraph (A) is overturned on appeal by a court of competent jurisdiction, the individual shall receive payments that the individual would have received but for the application of subparagraph (A).

“(C) This paragraph applies only to a conviction that occurs after the date of enactment of the No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act.”;

(3) in paragraph (5)(B)(i), as so redesignated, by striking “paragraph (5)” and inserting “paragraph (6)”;

(4) in paragraph (6), as so redesignated, by striking “paragraph (4)(B)” and inserting “paragraph (5)(B)”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 719(e)(2) of title 38, United States Code, is amended by striking “section 8332(o)(5)” and inserting “section 8332(o)(6)”.

RURAL OPIOID ABUSE PREVENTION ACT

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of S. 2796 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (S. 2796) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide for the eligibility of rural community response pilot programs for funding under the Comprehensive Opioid Abuse Grant Program, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent that the Ossoff substitute amendment at the desk be

considered and agreed to, the bill as amended be considered read a third time and passed, and the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4879), in the nature of a substitute, was agreed to, as follows:

Purpose: In the nature of a substitute

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Opioid Abuse Prevention Act”.

SEC. 2. ELIGIBILITY OF RURAL COMMUNITY RESPONSE PILOT PROGRAMS FOR FUNDING UNDER THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

Section 3021 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by striking “and”;

(B) in subparagraph (G), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(H) a pilot program for rural areas to implement community response programs that focus on reducing opioid overdose deaths, which may include presenting alternatives to incarceration, as described in subsection (f).”;

(2) by adding at the end the following:

“(f) RURAL PILOT PROGRAM.—

“(1) IN GENERAL.—The pilot program described under this subsection shall make grants to rural areas to implement community response programs to reduce opioid overdose deaths. Grants issued under this subsection shall be jointly operated by units of local government, in collaboration with public safety and public health agencies or public safety, public health and behavioral health collaborations. A community response program under this subsection shall identify gaps in community prevention, treatment, and recovery services for individuals who encounter the criminal justice system and shall establish treatment protocols to address identified shortcomings. The Attorney General, through the Office of Justice Programs, shall increase the amount provided as a grant under this section for a pilot program by no more than five percent for each of the two years following certification by the Attorney General of the submission of data by the rural area on the prescribing of schedules II, III, and IV controlled substances to a prescription drug monitoring program, or any other centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program (including an electronic health records system) in each other State, and with any interstate entity that shares information between such programs.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(A) direct or encourage a State to use a specific interstate data sharing program; or

“(B) limit or prohibit the discretion of a prescription drug monitoring program for interoperability connections to other programs (including electronic health records systems, hospital systems, pharmacy dispensing systems, or health information exchanges).”.

The bill (S. 2796), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2796

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Rural Opioid Abuse Prevention Act”.

SEC. 2. ELIGIBILITY OF RURAL COMMUNITY RESPONSE PILOT PROGRAMS FOR FUNDING UNDER THE COMPREHENSIVE OPIOID ABUSE GRANT PROGRAM.

Section 3021 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10701) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (F), by striking “and”;

(B) in subparagraph (G), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(H) a pilot program for rural areas to implement community response programs that focus on reducing opioid overdose deaths, which may include presenting alternatives to incarceration, as described in subsection (f).”;

(2) by adding at the end the following:

“(f) RURAL PILOT PROGRAM.—

“(1) IN GENERAL.—The pilot program described under this subsection shall make grants to rural areas to implement community response programs to reduce opioid overdose deaths. Grants issued under this subsection shall be jointly operated by units of local government, in collaboration with public safety and public health agencies or public safety, public health and behavioral health collaborations. A community response program under this subsection shall identify gaps in community prevention, treatment, and recovery services for individuals who encounter the criminal justice system and shall establish treatment protocols to address identified shortcomings. The Attorney General, through the Office of Justice Programs, shall increase the amount provided as a grant under this section for a pilot program by no more than five percent for each of the two years following certification by the Attorney General of the submission of data by the rural area on the prescribing of schedules II, III, and IV controlled substances to a prescription drug monitoring program, or any other centralized database administered by an authorized State agency, which includes tracking the dispensation of such substances, and providing for interoperability and data sharing with each other such program (including an electronic health records system) in each other State, and with any interstate entity that shares information between such programs.

“(2) RULES OF CONSTRUCTION.—Nothing in this subsection shall be construed to—

“(A) direct or encourage a State to use a specific interstate data sharing program; or

“(B) limit or prohibit the discretion of a prescription drug monitoring program for interoperability connections to other programs (including electronic health records systems, hospital systems, pharmacy dispensing systems, or health information exchanges).”.

NATIONAL WREATHS ACROSS AMERICA DAY

Mr. SCHUMER. Madam President, I ask unanimous consent the Senate proceed to consideration of S. Res. 476, submitted earlier today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows: